IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5048/2005

Bhairu Lal
Vs.
Judge, Labour Court, Bhilwara and Anr.

Date of Order : 17/05/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Sanjay Nahar for the petitioner.
Mr. Mahaveer Singh for the respondent.

BY THE COURT:-

By the instant writ petition, the petitioner workman has challenged the award Annex.1 dated 23.2.2005 passed by respondent No.1, Labour Court, Bhilwara (for short 'the labour court' hereinafter) whereby the reference made by the Appropriate Government was answered against the petitioner.

The Appropriate government vide notification dated 12.6.2001 referred the industrial dispute under Section 10 (1) (c) of the Industrial Disputes Act, 1947 to the labour court to the effect that as to whether the termination of the services of the petitioner workman w.e.f. 16.11.2000 was valid or legal.

Before the labour court, the respondent employer came with a case that the petitioner attended the work on 23.12.2000 and thereafter he left the work on 24.12.2000. Thus, the respondent employer specifically came with a case that on 23.12.2000 the petitioner attended the work and did the work and therefore, the labour court was justified in confining its decision to the terms of the reference as the labour court was only required to adjudicate as to whether the services terminated w.e.f. 16.11.2000 were legal and valid. Since the services of the petitioner had not been terminated w.e.f. 16.11.2000 for the reason that on 23.12.2000 the workman attended the work, in the circumstances, therefore, the labour court was justified in answering the reference against the petitioner.

In this view of the matter, no case for interference is made out. However, since the respondents themselves have admitted that the petitioner attended the work on 23.12.2000 and if the petitioner feels that his services have been terminated w.e.f. 24.12.2000, he may move the Appropriate Government for making a fresh reference.

With these observations, the writ petition stands dismissed. No order as to costs.

(H.R.PANWAR),J.

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